

CENTRE FOR AUTOMOTIVE DESIGN AND DEVELOPMENT ACT

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SCHEDULE

Supplementary provisions relating to the Board

An Act to establish the Centre for Automotive Design and Development to provide technical support services to the engineering sector.

[1992 No. 107.]

[Commencement.]

[28th December, 1992]

PART I

Establishment of the Centre for Automotive Design and Development

1. Establishment of the Centre for Automotive Design and Development

(1) There is hereby established a body to be known as the Centre for Automotive Design and Development (in this Act referred to as "the Centre").

(2) The Centre shall be a body corporate with perpetual succession and may sue and be sued in its corporate name.

2. Membership of the Governing Board of the Centre

(1) There shall be for the Centre a Governing Board (in this Act referred to as "the Board") which shall consist of-

(a) the Minister of Industry as the chairman;

(b) the Minister of Science and Technology;

(c) four members of the Standing Technical Committee established by section 4 of this Act;

(d) the Vice-Chancellor, Ahmadu Bello University or his representative;

(e) three persons appointed in recognition of their professional standing; and

(f) the Executive Director.

(2) The members of the Board appointed under paragraphs (e) and (f) of subsection (1) of this section shall be appointed by the President on the recommendation of the Minister.

(3) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the tenure of office of members, the proceedings of the Board and the other matters therein contained.

[Schedule.]

3. Functions of the Board

The Board shall-

(a) give policy directions as may be deemed necessary to carry out the functions of the Centre;

(b) approve the budgetary proposals of the Centre;

(c) consider reports on work of the Centre; and

(d) carry out such other functions as may be assigned to the Centre from time to time.

4. Objectives of the Centre the Centre shall-

(a) design, develop and test low-cost vehicle prototypes;

(b) function as the operational arm of the Standing Technical Committee in the Nigerian automotive industry;

(c) provide technical support services to the engineering sector, such as machine tools, electrical, mechanical, etc.;

(d) liaise with the Association of Local Content Manufacturers of Nigeria and the Nigeria Automobile Manufacturers Association to ensure that the existing capabilities are fully utilised;

(e) draft and recommend standards for the automotive industry to the Standing Technical Committee for consideration;

(f) collaborate with the Association of Local Content Manufacturers of Nigeria, the Nigeria Automobile Manufacturers Association and other existing centres on their research and development activities on automobiles.

5. Power of Minister to give directions

Subject to this Act, the Minister may give to the Centre directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the carrying out of the functions of the Centre under this Act and it shall be the duty of the Centre to comply with such directions.

6. Departments of the Centre

(1) The Centre shall be divided into the following departments, that is-

(a) a Department of Administration;

(b) a Department of Finance;

(c) a Department of Development;

(d) a Department of Design, Production and Planning;

(e) a Department of Planning, Research and Statistics; and

(f) a Department of Testing and Standards.

(2) The Department of Administration shall be responsible for the long term and day-to-day administration of the Centre and all matters relating to the staff of the Centre.

(3) The Department of Finance shall be responsible for the finances of the Centre as they relate to the preparation of the Centre's budget, payment of salaries, allowances and claims.

(4) The Department of Development shall be responsible for the production of prototypes for materials, components and sub-systems.

(5) The Department of Design Production and Planning shall be responsible for organising and conducting the courses and other studies undertaken by the Centre, including the collation and publication of course materials and other publications relating there-to.

(6) The Department of Planning, Research and Statistics shall be responsible for co-ordinating the research staff and research projects of the Centre and the collation and publication of research materials.

(7) The Department of Testing and Standards shall be responsible for testing the performance of all the sub-systems and their individual components.

PART II

7. Appointment of the Executive Director and principal officers of the Centre

(1) There shall be appointed for the Centre an officer to be designated as the Executive Director of the Centre who shall be the chief executive of the Centre and shall be responsible for the day-to-day running and management of the affairs of the Centre.

(2) The Executive Director shall be appointed by the President on the recommendation of the Minister.

(3) The Executive Director shall be a person who possesses appropriate professional engineering qualifications.

(4) The Executive Director shall hold office in the first instance for a period of five years and shall be eligible for a re-appointment for such further term of five years as the President may, from time to time determine.

(5) Subject to the provisions of this section, the Executive Director shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.

8. Other staff of the Centre

(1) The Board may appoint such other persons as employees of the Centre as it may consider necessary.

(2) Where the Board thinks it expedient that a staff vacancy in the Centre should be filled by a person holding an office in any of the public services in the Federation, the Board may appoint that person by way of transfer or secondment from the service concerned.

(3) Where a person is seconded pursuant to subsection (2) of this section, he shall be notified of the terms and conditions of the secondment, and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him.

(4) A person seconded under subsection (2) of this section, may elect to be transferred to the staff of the Centre in which case any previous service in any of the public service shall count as service for the purposes of any pension subsequently payable to the person under the Centre.

(5) Where a person is transferred from a public service to the Centre-

(a) that person's former service in the relevant public service shall be taken into account in applying the provisions of the Pensions Act; and

[Cap. P4.]

(b) the Pensions Act shall have effect as if that person's service with the Centre were service in the relevant public service.

9. Service in the Centre to be pensionable

(1) Notwithstanding the provisions of the Pensions Act, service in the Centre shall be approved service for the purposes of that Act and, accordingly, officers and other persons employed in the Centre shall be entitled to such pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

[Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Centre and not by any other person or authority.

10. Conditions of service

Without prejudice to the provisions of section 4 of this Act, the terms and conditions of service including terms and conditions as to remuneration, allowances, retiring and other benefits of the officers and servants of the Centre shall be such as may be determined by the Board with the approval of the Minister.

PART III

Funds of the Centre and other financial provisions

11. Funds of the Centre

(1) The Centre shall establish a fund which shall consist of-

- (a) such sums as may be provided to it by the Government of the Federation for running the affairs of the Centre;
- (b) such sums as may be collected or received by the Centre for services rendered by the Centre;
- (c) such sums as may, from time to time, be lent to the Centre by any person; and
- (d) such other sums as may be received by the Centre from any other source.

(2) The other resources of the Centre shall consist of all other assets which may, from time to time, be vested in or accrue to the Centre in the course of discharging its functions under or pursuant to this Act.

(3) The Centre may, from time to time, apply the proceeds of the fund established in pursuance of subsection (1) of this section for the following purposes, that is-

(a) to the cost of administration of the Centre and any research work carried on by or on behalf of the Centre;

(b) to the provision of such training for employees of the Centre as the Board may deem necessary;

(c) to reimburse members of the Board and the committees of the Centre for such expenses as may be expressly authorised by the Board; and

(d) in connection with all or any of its functions under this Act or under any other enactment.

12. General reserve

(1) Without prejudice to the power of the Centre to set aside from revenue appropriate amounts for replacement, contingencies or other purposes, the Centre may establish and maintain a general reserve.

(2) The management of the general reserve, the sum to be carried, from time to time, to the credit of the general reserve, the charges to be made against the general reserve and any other application of the moneys comprised therein shall be as the Board may, with the approval of the Minister, determine.

(3) No part of the money comprised in the general reserve shall be applied otherwise than for the purpose of the Centre.

13. Power to borrow and invest

(1) The Centre may with the consent of or in accordance with any general authority given by the Minister, borrow by way of loan from the Federal Government or by way of temporary overdraft approved by the Minister, sums required by the Centre for meeting its functions under this Act.

(2) The Centre may invest all or any of its fund in such manner as may be approved by the Minister.

(3) Subject to section 5 of this Act, the Minister may, with the approval of the President, issue to the Centre directions as to the disposal of surplus funds.

14. Annual estimates and accounts

(1) The Board shall prepare and submit to the Minister not later than the 30th day of September of the year in which this subsection comes into force, (so however that the Minister may, if he considers it necessary, extend the period) and of each subsequent year, an estimate of its income and expenditure during the next succeeding year.

(2) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each

year to which the accounts relate by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

15. Annual report

(1) The Centre shall prepare and submit to the Minister not later than eighteen clear months after its establishment, and once every year thereafter, a report in such form as the Minister may direct on the activities of the Centre during the last preceding year, and shall include in the report a copy of the audited accounts of the Centre for that year and of the auditor's report on the accounts.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before the President so soon after the receipt thereof as may be convenient.

(3) For the purposes of the first report of the Centre under this section, the last preceding year shall be deemed to include so much of any period before the beginning of that year as begins with the date of the first meeting of the Board.

16. Regulations

The Centre may make regulations generally for carrying into effect the provisions of this Act.

17. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the Board of the Centre;

"Centre" means the Centre for Automotive Design and Development established by section 1 of this Act;

"chairman" means the chairman of the Board;

"member" means a member of the Board and includes the chairman;

"Minister" means the Minister charged with the responsibility for industry.

18. Short title

This Act may be cited as the Centre for Automotive Design and Development Act.

SCHEDULE

[Section 2 (3).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Tenure of office of members

- 1.** Subject to paragraph 3 of this Schedule, a member who is not a public officer shall hold office on first appointment for a period of four years beginning with the date of his appointment and at the expiration of that period for a further period of four years.
- 2.** A member of the Board who is a public officer shall cease to be such a member upon his ceasing to hold the office entitling him to be appointed as a member of the Board.
- 3.** Any member of the Board may at any time be removed from office for inability to discharge the functions of his office or for misconduct or on his conviction for a criminal offence involving dishonesty, fraud or moral turpitude.
- 4.** A member of the Board shall be paid reasonable allowance as may be determined by the Board with the approval of the Minister.

Proceedings of the Board

- 5.** Subject to the provisions of this Schedule and section 27 of the Interpretation Act, the Board may make standing orders for regulating its proceedings or the proceedings of any of its committees.

[Cap. 123.]

- 6.** The quorum at any meeting of the Board shall be the chairman or an ex-officio member and three other members and the quorum of any committee set up by the Board shall be as determined by the Board.
- 7.** The chairman shall preside at all meetings at which he is present and in his absence, the members may elect one of their number to preside at the meeting.
- 8.** (1) The Board shall meet not less than once in every six months and subject to provisions of any standing orders of the Board, it shall meet at such time as it may be summoned by the chairman.

(2) If the chairman is required so to do by notice in writing given to him by not less than three other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.
- 9.** Where the Board desires to obtain the advice or services of any person on any particular matter, it may co-opt that person as a member for such period as it thinks fit, provided that a person so co-opted shall not be entitled to vote nor shall he count towards a quorum.
- 10.** The first meeting of the Board shall, notwithstanding the other provisions of this Schedule, be summoned by the Minister and subject as hereafter provided, any other meeting shall be

convened by the chairman.

Committees

11. (1) The Board may appoint such number of committees, whether standing or ad hoc, to perform such of its functions as the Board may direct.

(2) No decision of any committee of the Board shall take effect until it is confirmed by the Board.

(3) Every committee appointed by the Board under the foregoing provisions of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily all members of the Board, as the Board may determine in each case.

Miscellaneous

12. The fixing of the seal of the Centre shall be authenticated by the signatures of the chairman (or of some other member authorised either generally or specifically by the Board to act in that behalf) and of the Executive Director.

13. Any contract or instrument which if made or executed by a person not being a body corporate will not be required to be under seal, may be made or executed on behalf of the Centre by any person generally or specially authorised by the Board to act for that purpose.

14. Any document purporting to be a document executed under the seal of the Centre and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

15. Any member of the Board who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation